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JUL 18 2006

Docket No.: 9394L
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Suzanne M. Torontali

Examiner: Anna Skibinsky

Application No.: 10/693,025

Art Unit: 1631

Filed: October 24, 2003

FOR: Amplification of Signal Using a Bead-Based
Oligonucleotide Assay

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
MS: Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Restriction Requirement dated June 16, 2006. The Office Action asserts that there are two separate inventions. Applicant hereby elects Group I, claims 1-18, for continued examination with traverse. Applicant respectfully requests that the Examiner withdraw the Restriction Requirement for at least the following reasons.

Applicant respectfully submits that given the circumstances of this case, it would not be a serious burden for the Examiner to examine Group I and II at this time. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In this case, Group II

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(claim 19) consists of a single additional claim that would need to be examined. As a result, the Examiner would only be required to review and examine one more claim in addition to the elected Group I (claims 1-18).

Moreover, Applicant respectfully submits that Group I (claims 1-18) and Group II (claim 19) would require the exact same search. For example, the same search for Group I (claims 1-18) would also encompass at least Group II (claim 19) since they are *both* classified in class 436. This fact is underscored that Group I (claims 1-18) and Group II (claim 19) are *also* classified in the *same* subclass 6. As a result, the continued examination of at least Group I and II can be done without serious burden since it involves the same search, and, only one additional claim would be required by the Examiner to review.

For at least these reasons, Applicant respectfully submits that Groups I and II should be examined together, and that the Restriction Requirement should be withdrawn for Groups I and II. An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: July 17 2006

Respectfully submitted,

By 

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